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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,178	06/18/2001	Hiroshi Ikeda	1614.1171	8007

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EXAMINER
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ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,178

Applicant(s)

IKEDA ET AL.

Examiner

Haythim J. Alaubaidi

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2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 09/882,178.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is a first Non-Final Action in regard to Application No. 09/882178 filed on 18 June 2001.
2. Claims 1-20 are presented for examination.
3. Claims 1-20, are rejected under 35 U.S.C. 102(e).

### ***Priority***

4. Applicant's claim for foreign priority under 35 U.S.C. §119(a)–(d) is acknowledged and therefor accorded the benefit of the earlier filing date of 19 June 2000.

### ***Claim Objections***

5. Claim 20, is objected to because of the following informalities: Claim 20 appears to be dependent on it self. The Examiner treated the claim as if it was dependent on Claim 19, Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1, is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The repeated use of the term "member information" is clouding the invention, it is difficult to decipher which member information the Applicant is referring to, is it the user member information or the service site member information. The Examiner would like to direct the Applicant's attention to the Specification of the current application, specifically Page 5, Lines 8-22, as the term "member" referred to both the "user" and the "service site". Claim 2, which depend on Claim 1, refer to the member information of the user and not the service site, as it would indicate in Claim 1.

Examiner asserts that all claims should be checked for clarification. Appropriate action is required.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-2, 9, 3-8 and 10-11, are rejected under 35 U.S.C. 102(e) as being anticipated by Shabbir M. Dahod (U.S. Patent No. 6,574,608 and Dahod hereinafter).

Regarding Claim 1, Dahod discloses,

a member (buyer) information database managed in said center site (home page of Figure 4; see also the image copy of the website for "www.iwant.com") and storing member information of said plurality of the service sites (Figure 1 and corresponding text; see also Figure 4 and 5);

wherein: said member information database stores the member information based on information concerning a member that is obtained at said center site (figure 4 and 5 and corresponding text); and

said center site sends the member information stored in said member (buyer) information database to said plurality of said service sites (seller) (figures 3-6, see the text showing in the first paragraph regarding revealing the contact information).

Regarding Claims 2 and 9, Dahod discloses;

when a user accesses one service site of the service sites through said center site, (Figure 7, and corresponding text i.e. "if you are buying" see also "if you are selling")

said center site retrieves the member information of the user from said member information database and sends the member information to said one service site (figures 11-12 and corresponding text).

Regarding Claim 3, Dahod discloses classifying (Figure 7, and corresponding text, i.e. seller or buyer).

Regarding Claim 4, the limitations of this claim is similar in scope to the rejected claim 1, above. In addition Dahod discloses member ID (Figures 3,7 and 10, i.e. user name).

Regarding Claim 5, Dahod discloses when a user makes an action at one service site of said service sites (Figure 6 and corresponding text)

said one service site sends information concerning said action of the user to said center site (Col 5, Lines 59-62).

Regarding Claim 6, Dahod discloses updates the member information of the user in said member information database by using said information concerning said action of the user (Col 7, Lines 29-39, i.e. new posting; see also automatically sends an email).

Regarding Claim 7, Dahod discloses;

a updating part updating said member information of said member information database in response to each action at service sites (Col 7, Lines 29-39, i.e. new posting; see also automatically sends an email);

a sending part the member information stored said member information database (Col 7, Lines 29-39, i.e. automatically sends an email)

when a user accesses one service site of said service sites (Figure 8, and corresponding text)<sup>1</sup>

wherein each member information from said service sites connected to said center site is stored in said member information database; and (Figure 3-5 and 9-10 and corresponding text)

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<sup>1</sup> When a seller accesses a buyers listing.

said member information database is a single database for said service sites (Col 5, Lines 18-22; see also Col 11, Lines 8-20; see also Col 11, Lines 28-30).

Regarding Claim 8, the limitations of this claim is similar in scope to the rejected claim 7, above. In addition Dahod discloses so that said member information of said member information database in said center site is updated by and shared with other service sites accessible through said center site (Figure 6, and corresponding text)<sup>2</sup>.

Regarding Claim 10, the limitations of this claim is similar in scope to the rejected claims 1 and 7, above. It is therefor rejected as set forth above.

Regarding Claim 11, Dahod discloses providing information suitable for a service type by changing a search region for each service type (Col 5, Lines 51-56; see also Col 6, Lines 29-34).

10. Claims 12-13, 14, 17 and 19-20, are rejected under 35 U.S.C. 102(e) as being anticipated by Andrew Fano (U.S. Patent No. 6,317,718 and Fano hereinafter).

Regarding Claims 12-13, Fano discloses;

(a) registering a service region for each shop providing a service to an individual user (Col 47, Lines 23-38)

(b) searching for shops based on the service region in said step (a), so that information related to one shop is not retrieved in said step (b) when the service region

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<sup>2</sup> The Examiner is interpreting the "member information" in this claim to be the information entered by the buyer (member) as to the personal information, Element No. 238, and the information regarding the product or service interest of the buyer Element No. 232.

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of the one shop, which service region is registered in said step (a), is out of a search region in said step (b) (Col 47, Lines 48-56).

Regarding Claim 14, Fano discloses providing information suitable for a user state by changing a search condition based on a moving speed of the user (Col 49, Lines 10-35).

Regarding Claims 17, Fano discloses changing a search condition based on the move history (Col 40, Lines 4-7, i.e. history of the user interactions and current real-time situation including "who, where, and when").

Regarding Claim 19, Fano discloses a defining part defining a plurality of places as a single region; and (Col 47, Lines 21-22 and 24-25)

a registering part registering said single region to said member information database (Col 47, Lines 48-56).

Regarding Claim 20, Fano's reference discloses all of the claim subject matter set for above, except it does not explicitly indicate the excluding of certain places.

However Fano does address the capability of the system in specifying certain places in a certain region, for example Figure 27, the user is able to specify a certain place of interest, for example "Lord and Taylor" in the region of the mall, by doing this, the user has excluded all of the other places in this region. Given the intended broad application of Fano's system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Fano by including a feature that will allow a user to manually exclude specific places instead of having the



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system to do it automatically, one good reason would be to increase flexibility of such a system, that would lead to increase in the sell of such a product.

11. Claims 15-16, are rejected under 35 U.S.C. 102(e) as being anticipated by John J. Correia (U.S. Patent No. 6,424,912 and Correia hereinafter).

Regarding Claim 15, Correia discloses providing information suitable for a moving direction of a user by changing a search condition based on the moving direction (figure 4 and corresponding text, see also Element 430, i.e. vehicle direction).

Regarding Claim 16, Correia discloses providing information suitable for a moved distance of a user by changing a search condition based on the moved distance figure 4 and corresponding text, see also Element 430, i.e. distance).

12. Claim 18, are rejected under 35 U.S.C. 102(e) as being anticipated by Yasuhiro Monde (U.S. Patent No. 6,356,839 and Monde hereinafter).

Regarding Claim 18, Monde discloses providing information suitable for a weather condition of a user by changing a search condition based on the weather condition (Figure 1, and corresponding text).

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

***Points of Contact***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (703) 305-1950. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any response to this office action should be mailed to:


The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

*Haythim J. Alaubaidi*

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Patent Examiner  
Technology Center 2100  
December 15, 2003

  
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